

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING A VARIANCE TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 60 FEET TO 35 FEET FOR AN ADDITION TO AN EXISTING PLACE OF ASSEMBLY LOCATED AT 8600 EAST BUSH LAKE ROAD, BLOOMINGTON, MINNESOTA.

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, an application has been filed by Peace Evangelical Lutheran Church, owner of the premises located at 8600 East Bush Lake Road and legally described as follows:

LOT 1, BLOCK 1, PEACE LUTHERAN CHURCH ADDITION

For a variance to reduce the required front yard setback from 60 feet to 35 feet for an addition to an existing place of assembly.

WHEREAS, the Planning Commission has reviewed said request at a duly called public meeting and recommends approval.

WHEREAS, the City Council is empowered to approve variances to provisions of the City Zoning Ordinance when such variances are in harmony with the general purpose and intent

of the Zoning Ordinance, are consistent with the Comprehensive Plan, and when the applicant has established that there are practical difficulties in complying with the Zoning Ordinance.

WHEREAS, the City Council has considered the report of the City staff, the findings and decision of the Planning Commission, the comments of persons speaking regarding the proposed variance and the factors in Bloomington City Code Section 2.98.01(b) (2) (A-C) and has found as follows:

Variances - Section 2.98.01(b)(2)(A),(B) and (C)

(2) ... Variances may only be permitted:

(A) When the variance is in harmony with the general purposes and intent of the ordinance;

- A place of assembly is a conditional use in the R-1 Single Family Residential Zoning District. The requested variance would allow for a 2,950 square foot expansion of Peace Lutheran Church to add new bathroom, kitchen, storage and office facilities. These uses are consistent with the typical support functions of a place of assembly. In addition, the proposed location of the place of assembly addition still allows for a significant setback to East Bush Lake Road due to the increased size of the right-of-way and boulevard for the collector roadway. The requested encroachment of the place of assembly addition into the required setback is also consistent with a previously approved setback variance for the place of assembly. The variance is in harmony with the general purposes and intent of the zoning ordinance.

(B) When the variance is consistent with the comprehensive plan;

- The subject property is guided Quasi-Public, Low Density Residential and Conservation with the addition taking place in the Quasi-Public designation. Places of assembly are consistent with the land use designation Quasi-Public. The expansion of a place of assembly at 8600 East Bush Lake Road is consistent with the Comprehensive Plan.

(C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties.

- The applicant's practical difficulty is created by the irregular shape of the subject property, thereby constraining Peace Lutheran Church's opportunity for facility expansion. The proposed encroachment into the front yard setback

is less than the previous encroachment of the principal building as approved by a variance in 1980 at the time of place of assembly construction.

Practical difficulties as used in connection with the granting of the variance, means that:

(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

- Peace Lutheran Church proposes a 2,950 square-foot expansion to add a kitchen and office space to an existing place of assembly that was constructed in 1980. Due to the irregular lot shape, the place of assembly previously received a setback variance to reduce the setback to East Bush Lake Road from 60 feet to 30 feet when it was originally expanded. The proposed expansion of the place of assembly necessitates a similar setback variance, reducing the setback from 60 feet to 35 feet. The proposed expansion of the place of assembly is a reasonable use not permitted by an official control.

(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- The subject property is irregularly pie-shaped, as the eastern property line runs southwest-northeast. As a result, the central and southern portion of the property becomes more and more constrained from north to south, leaving limited area for a building footprint. Given the constrained building area created by the irregular lot shape, it is difficult to meet the required 60-foot setback to all public street frontages for places of assembly. In addition to the challenge caused by the lot shape, it should also be noted that the boulevard for East Bush Lake Road is approximately 30 feet in size. While East Bush Lake Road is high-volume, major collector road, a 30-foot boulevard still provides significant separation and setback for the proposed addition. As proposed, the place of assembly addition would be 65 feet from the edge of roadway for East Bush Lake Road. Both the irregular lot shape and significant boulevard of East Bush Lake Road are unique circumstances not created by the landowner.

(iii) The variance if granted will not alter the essential character of the locality.

- Peace Lutheran Church has been located at 8600 East Bush Lake Road since 1980. The proposed place of assembly addition is 2,950 square feet in size. Based on the existing area of the place of assembly, 11,957 square feet, the proposed expansion represents a 24.6% increase in floor area. In addition, the proposed addition will not allow for a significant increase of assembly or congregation space. The proposed addition to the place of assembly is not considered significant with respect to increased size or intensity of use. Finally, the place of assembly previously received a variance for a reduced setback of 30 feet to East Bush Lake Road. The proposed addition will be setback

equivalent to the existing condition. The requested variance will not alter the essential character of the locality.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Planning Commission are adopted by the City Council;
- B. That the variances shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01;
- C. That the requested variances are approved, subject to the following reasons:
 - 1) The granting of the variance would not unduly interfere with the general intent and purpose of the Ordinance.
 - 2) The granting of the variance would allow a reasonable use not permitted by the zoning ordinance.
 - 3) The granting of the variances would not adversely affect the health, safety and general welfare of the residents or the public.

And subject to the following conditions:

- 1) The variance and building/site improvements are limited to those as shown on the approved plans in Case File #PL2016-147.

Passed and adopted this 24th day of October, 2016.

Mayor

ATTEST:

Secretary to the Council